

**REGULAR CITY COUNCIL MEETING  
FRISCO MUNICIPAL COMPLEX  
8750 MCKINNEY ROAD  
COUNCIL CHAMBERS  
FRISCO, TEXAS 75034  
6:30 P.M.**

**TUESDAY, MARCH 19, 2002**

**MINUTES**

**1. Call to Order**

Mayor Seei called the meeting to order at 6:30 p.m. and announced a quorum was present.

Present were: Mayor Kathy Seei, Mayor Pro Tem Michael Osuna, Deputy Mayor Pro Tem Tracie Reveal, Councilmember Steve Nichols, Councilmember Joy West, Councilmember Maher Maso, Councilmember Mike Simpson, Councilmember Buddy Minett and Councilmember Mike Zapata.

Staff present were: City Manager George Purefoy, Assistant City Manager Jason Gray, Assistant City Manager Scott Young, City Engineer Frank Jaromin, Director of Planning John Lettelleir, City Attorney Richard Abernathy and City Secretary Nan Parker.

**2. Invocation**

Mayor Simpson offered the invocation.

**3. Pledge of Allegiance**

Deputy Mayor Pro Tem Reveal led the audience in the Pledge of Allegiance.

**4. Consider and act upon acceptance of the resignation of a member of the Planning and Zoning Commission**

Planning and Zoning Commissioner Buddy Minett tendered his resignation on the Planning & Zoning Commission while acting as City Councilmember.

Councilmember Nichols moved to accept the resignation. Councilmember Simpson seconded the motion. Motion carried. Vote: 6-0.

**5. Consider and act upon selection of appropriate Place (Place 2 and Place 6) for each of the newly appointed members of the governing body.**

Mayor Pro Tem Osuna and Councilmember Simpson officially stepped down from

serving.

Deputy Mayor Pro Tem Reveal moved to nominate Buddy Minett to serve Place 2. Councilmember Maso seconded the motion. Motion carried. Vote: 4-0

Deputy Mayor Pro Tem Reveal moved to nominate Mike Zapata to serve Place 6. Councilmember West seconded the motion. Motion carried. Vote: 4-0

**6. Issuance of the Oath of Office to newly appointed members of the governing body.**

Mayor Seei administered the oath of office to Councilmember Buddy Minett and Councilmember Mike Zapata.

**7. Consider and act upon election of Mayor Pro-Tem.**

Councilmember Maso moved nominate Deputy Mayor Pro Tem Reveal as Mayor Pro Tem. Councilmember West seconded the motion.

Councilmember Maso moved to close the nomination. Councilmember Zapata seconded the motion. Motion carried. Vote: 6-0

Councilmember Maso moved to elect Deputy Mayor Pro Tem Reveal as Mayor Pro Tem. Councilmember West seconded the motion. Motion carried. Vote: 6-0

**8. Consider and act upon election of Deputy Mayor Pro-Tem.**

Mayor Pro Tem Reveal moved nominate Councilmember West as Deputy Mayor Pro Tem. Councilmember Zapata seconded the motion.

Councilmember Minett moved to close the nomination. Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0

Mayor Pro Tem Reveal moved to appoint Councilmember West as Deputy Mayor Pro Tem. Councilmember Minett seconded the motion. Motion carried. Vote: 6-0

**9. Citizen Input. (To begin approximately at 7:30 p.m.)**

Gigi Shansy Raye, representing Frisco Multi Faith and D'Ann Williams, representative of St. Francis Assassi Church, announced that they are hosting a seder meal to promote togetherness of the different religions.

Mike Simpson commended the Arts of Collin County.

Alan Key spoke concerning the gated communities in the city.

Councilmember Maso announced the public forums for the Arts of Collin County.

## **10. Reports.**

### **A. Presentation and report by a representative from the Arts of Collin County Steering Committee.**

Councilmember Maso made a brief report on the Arts of Collin County.

### **B. Presentation of report on Development Services Processes by Curt Balogh.**

Curt Balogh made a brief presentation the development services process.

### **C. City Manager's update of "Project Status Tracking Report Governance Tool".**

Interim Assistant City Manager Jason Gray presented the City Council a brief update.

### **D. Staff updates:**

#### **i. Status of annual financial reports**

Director of Administrative Services Nell Lange gave a brief report on the annual financial reports.

#### **ii. Status of Charter Revision Election**

Mayor Seei and City Attorney Richard Abernathy gave a brief report on the status of the Charter Revision election.

#### **iii. Potential Land Conservation Credits**

Interim Assistant City Manager Jason Gray reported that report will be brought back at a future date.

#### **iv. February 2, 2002 annexation map**

Staff reported that the map was only demonstrative only and that it was not an official map.

#### **v. Status of disaster preparedness issues.**

Captain John Bruce of the Police Department gave a brief report on the status of disaster preparedness issues.

## **11. Consent Agenda:**

The consent agenda was considered for approval with the exception of items #A and #Q.

Mayor Pro Tem Reveal moved to pull Item #A. Councilmember Nichols seconded the motion. Motion carried. Vote: 6-0

Councilmember Maso moved to pull Item #Q. Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0

Mayor Pro Tem Reveal made a motion to approve the remainder of the consent agenda. Councilmember Minett seconded the motion. Motion carried. Vote: 6-0

**A. Consider and act upon approval of Minutes of the February 6, 2002, Joint Meeting of the City Council and the Planning and Zoning Commission, the February 19, 2002 Regular City Council Meeting, and the March 5, 2002, Regular City Council Meeting. (City Secretary's Office)**

Mayor Seei stated that there are a couple of corrections and requested to table the approval of the minutes.

Councilmember Maso made a motion to **table** the minutes of the joint meeting of the City Council and the Planning and Zoning Commission of February 6, 2002, regular City Council meeting of February 19, 2002, and the regular City Council meeting of March 5, 2002. Councilmember Nichols seconded the motion. Motion carried. Vote: 6-0

- B. Adoption of **Resolution No. 02-03-61R** authorizing a steering committee to retain legal counsel and rate case consultants, authorizing intervention in Texas Railroad Commission dockets, and suspending the proposed tariff and rate schedules of TXU Gas Distribution. (City Manager's Office/JG)
- C. Approval of payment of FY02 1<sup>st</sup> quarter Section 380 Sales Tax Grant to Dayton Hudson Corporation in the amount of \$20,817.23. (City Manager's Office/KH/JG)
- D. Approval of payment of FY02 1<sup>st</sup> quarter Section 380 Sales Tax Grant to BPR Shopping Center LP, in the amount of \$54,787.56. (City Manager's Office/KH/JG)
- E. Approval of payment of FY02 1<sup>st</sup> quarter Section 380 Sales Tax Grant to General Growth, in the amount of \$442,432.29. (City Manager's Office/KH/JG)
- F. Approval of Pay Advance #5 for construction related to the Frisco Sports-Entertainment Complex to the Beck Group, Inc. in the amount of \$1,455,854.33. (City Manager's Office/SY)
- G. Approval of Pay Estimate #8 to Tiseo Paving Company in the amount of \$124,081.21 for Rolater Road, Phase IV, Project #CV-0356. (Development Services)
- H. Approval of Pay Estimate #8 to Mario Sinicola & Sons in the amount of \$172,277.32 for Frisco Square Management District Projects, Project #CV-0389. (Development Services)
- I. Approval of a Facilities Agreement by and between the City of Frisco and First American Bank, SSB regarding development of the northwest corner of Preston

Road and Lebanon Road and adoption of **Resolution No. 02-03-62R** authorizing the City Manager to execute the Agreement. (Development Services)

- J. Approval of Pay Estimate #2 to John Burns Construction Company, Inc. in the amount of \$12,248.92 for work associated with Cottonwood Branch Sewer Main Project #CV01-0029. (Engineering Division)
- K. Approval of Pay Estimate #14 to Gracon Construction Company, Inc. in the amount of \$60,800.00 for work associated with Custer Road Pump Station Improvements Project #CV-0028. (Engineering Division)
- L. Approval of Pay Estimate #11 to Glenn Thurman, Inc. in the amount of \$61,754.61 for work associated with Hillcrest Road Project #CV-0006. (Engineering Division)
- M. Approval of Invoices #10941, #10957, and #10955 to Soiltech Engineering & Testing, Inc. in the amount of \$8,740.00 for work associated with Frisco Square Municipal Management District Projects, Phase I, Project #CV-0389. (Engineering Division)
- N. Approval of Invoice #13 to Architects Phelps/Wood in the amount of \$3,241.75 for services and reimbursable expenses associated with the construction of Fire Station #4. (Fire Department)
- O. Adoption of **Resolution No. 02-03-63R** amending the list of authorized representatives for the City of Frisco's Local Government Investment Pool (Texpool) accounts. (Administrative Services)
- P. Approval of a Contract by and between the City of Frisco and Linebarger, Goggan, Blair, Pena & Sampson, LLP for the collection of delinquent taxes and adoption of **Resolution No. 02-03-64R** authorizing the City Manager to sign the Contract. (Administrative Services)

**Q. Approval of a Letter Agreement by and between the Superdome in Frisco and Westin Stonebriar Resort for Special Event Housing and adoption of Resolution authorizing the City Manager to sign the Agreement. (Superdome)**

Councilmember Maso recommended to have a system in place to track the outsiders that come into the city.

Councilmember Maso moved to approve the letter agreement between Superdome and Westin Stonebriar Resort and adopt **Resolution No. 02-03-065R**. Deputy Mayor Pro Tem West seconded the motion. Motion carried. Vote: 6-0

- R. Approval of an Interlocal Agreement by and among the City of Frisco, the City of Plano, and the City of Lucas for use of communications systems and services. (Police Department)
- S. Approval of an Interlocal Agreement by and between the City of Frisco and the County of Denton regarding the regulation of subdivision plats and related permits in the City's Extraterritorial Jurisdiction and approval of **Resolution No. 02-03-66R**

authorizing the Mayor to sign the Agreement. (City Manager's Office/JG)

**12. Legislative Agenda:**

The legislative agenda was considered for approval.

Mayor Pro Tem Reveal moved to approve the legislative agenda as presented. Deputy Mayor Pro Tem West seconded the motion. Motion carried. Vote: 6-0

- A. Adoption of **Ordinance No. 02-03-43** for the Voluntary Annexation of a tract of land situated in the Henry Slack Survey, Abstract No. 840, Collin County, Texas containing 100.726 acres, more or less. The property is located at the northeast corner of CR 71 and CR 23. Applicant: Cool Bear Partners, LTD. A2002-01. (City Secretary's Office)
- B. Approval of a Final Plat & Site Plan: Frisco Square – Phase 2. Applicant(s): Frisco Square Ltd. and City of Frisco. Six buildings and a public square on nine lots on 19.4± acres on the south side of Main Street (F.M. 720), 850± feet east of the Dallas North Tollway. Zoned Planned Development-153. Neighborhood #40. (Planning Dept.)

**Governance Agenda:**

**13. Review of Monthly Governance Monitoring Reports**

Interim Assistant City Manager Jason Gray made a brief report on the reports.

**Regular Agenda:**

**14. Public Hearing/Second Hearing – For citizen input regarding the following involuntary annexations instituted by the City of Frisco, Texas:**

TRACT 1: Involuntary annexation of 111.67 acres, more or less, located in the M.E.P. & P.R.R. Survey Abstract No. 1476, the Philip Barnes Survey Abstract No. 79, the R. Taylor Survey Abstract No. 1671, the S. Hawkins Survey Abstract No. 580 and the Thomas Bristow Survey Abstract No. 35, Denton County, Texas, owned by Rudman Partnership, etal. Applicant: City of Frisco Case IA2002-01

TRACT 2: Involuntary annexation of 603.92 acres, more or less, located in the J.L. Sailing Survey Abstract No. 1675, the J. Bates Survey Abstract No. 1620, the C.L. Smith Survey Abstract No. 1681, the A. Robertson Survey No. 1487, the F. Hawkins Survey Abstract No. 582, W.P. Bates Survey Abstract No. 73, and the S. Whittenburg Survey Abstract No. 1510, Denton County, Texas, owned by Gary Bedford Davis, Eland Energy Inc., J.B. Daiches, John K. Blank, Charles E. Shoemaker, and Ned Abbott. Applicant: City of Frisco Case IA2002-02

TRACT 3: Involuntary annexation of 184.44 acres, more or less, located in the E.

Hawkins Survey Abstract No. 581 and the J. Hogue Survey Abstract No. 1714, Denton County, Texas, owned by Nui Investments, Ltd., Veninga Inc. Co., Dr. F. W. Veninga, and Frederick W. Veninga Sr. etal. Applicant: City of Frisco Case IA 2002-03

TRACT 4: Involuntary annexation of 190.30 acres, more or less, located in the Collin County School Land Survey Abstract No. 147, the Collin County School Land Survey Abstract No. 148, and the J.L. Hogue Survey Abstract No. 406, Collin County, Texas, owned by Frederick W. Veninga Sr. etal. Applicant: City of Frisco Case IA2002-04

TRACT 5: Involuntary annexation of 93.74 acres, more or less, located in the Collin County School Land Survey Abstract No. 147, Collin County, Texas, owned by Ernest A. Mahard, Jr. Applicant: City of Frisco Case IA2002-05

TRACT 6: Involuntary annexation of 160.00 acres, more or less, located in the H.C. Barnes Survey Abstract No. 58, Collin County, Texas, owned by Ernest A. Mahard, Jr. and Mahard Egg Farm Inc. Applicant: City of Frisco Case IA2002-06

TRACT 7: Involuntary annexation of 159.94 acres, more or less, located in the Collin County School Land Survey Abstract No. 148, Collin County, Texas, owned by Diana Lynn, Smotherman & Ronald O. Lynn, and Mahard Egg Farm Inc. Applicant: City of Frisco Case IA2002-07

TRACT 8: Involuntary annexation of 107.43 acres, more or less, located in the Collin County School Land Survey Abstract No. 148, Collin County, Texas, owned by Prosper Methodist Church. Applicant: City of Frisco Case IA2002-08

TRACT 11: Involuntary annexation of 365.99 acres, more or less located in the T.J. Jamison Survey Abstract No. 481, Collin County School Land Survey Abstract No. 155 and I.C. Williamson Survey Abstract No. 947, Collin County, Texas, owned by Mustang-Midway Plano, Ltd. and Preston 380/153 Venture. Applicant: City of Frisco Case IA2002-09

TRACT 12: Involuntary annexation of 293.94 acres, more or less, located in the Collin County School Land Survey Abstract No. 155, Collin County, Texas, owned by M.K. Ratcliff Jr. Applicant: City of Frisco Case IA2002-10

TRACT 13: Involuntary annexation of 327.17 acres, more or less, located in the Collin County School Land Survey Abstract No. 155 and the J.W. Cox Survey Abstract No. 159, Collin County, Texas, owned by M.K. Ratcliff and Stewart L. Armstrong. Applicant: City of Frisco Case IA2002-11

TRACT 14: Involuntary annexation of 490.96 acres, more or less, located in the J.H. Collins Survey Abstract No. 219, Collin County, Texas, owned by Michael L. Minzer etal, Mary E. Vowan Dowdy, Martha Vowan Henery, Charlotte C. Vowan, Mary Ann Vowan, Ben & Mary Vowan and Henry A. Barlow. Applicant: City of Frisco Case IA2002-12

TRACT 15: Involuntary annexation of 322.01 acres, more or less, located in the I.C. Williamson Survey Abstract No. 947, the J.R. Hague Survey Abstract No. 405, and the W.C. Barnes Survey Abstract No. 59, Collin County, Texas, owned by Mary Ann Vowan, W.R. Blackmon, Vicki Davis, Jerry C. Davis, Frisco Coit 380 Ltd., and Coit United Investors LP. Applicant: City of Frisco Case IA2002-13

TRACT 18: Involuntary annexation of 183.61 acres, more or less, located in the J. Boling Survey Abstract No. 31, the W.B. Watkins Survey Abstract No. 1004, the J.H. Goode Survey Abstract No. 342, the Collin County School Land Survey Abstract No. 152, T. Cassady Survey Abstract No. 1101, the Collin County School Land Survey Abstract No. 148, the C.L. Smith Survey Abstract No. 807, the H.C. Barnes Survey Abstract No. 58, the German Immigration Co. Survey Abstract No. 358, and the Collin County School Land Survey Abstract No. 147, Collin County, Texas, owned by City of Frisco. Applicant: City of Frisco Case IA2002-14

TRACT 19: Involuntary annexation of 197.655 acres, more or less, located in the M. Harris Survey Abstract No. 564 and the J. White Survey Abstract No. 1394, Denton County, Texas, owned by Frisco Independent School District and City of Frisco. Applicant: City of Frisco Case IA2002-15

TRACT 20: Involuntary annexation of 50.00 acres, more or less, located in the Crain and Warren Survey Abstract No. 229, Denton County, Texas, owned by Al Blum Trustee. Applicant: City of Frisco Case IA2002-16

TRACT 21: Involuntary annexation of 1,112.20 acres, more or less, located in the Collin Country School Land Survey Abstract No. 148, C.L. Smith Survey Abstract No. 807 and B.J. Naugle Survey Abstract No. 669, Collin County, Texas, owned by St. Louis, San Francisco and Texas RR and Bert Fields, Jr. Applicant: City of Frisco Case IA2002-17

TRACT 22: Involuntary annexation of 1,901.57 acres, more or less, located in the MEP & PRR Survey Abstract No. 917, MEP & PRR Survey Abstract No. 941, W. Bates Survey Abstract No. 83, MEP & PRR Survey Abstract No. 921, J. Hogue Survey Abstract No. 1714, L. Netherly Survey Abstract No. 962, C. Jackson Survey Abstract No. 665, R. Bates Survey Abstract No. 68, J. Landrum Survey Abstract No. 764, S. Whiteburg Survey Abstract No. 1510, C. Smith Survey Abstract No. 1185, C. Rogers Survey Abstract No. 1133, and W.E. Bates Survey Abstract No. 90, Denton County, Texas, owned by Bert Fields, Jr., Lai Shang Shiu et al, Forrest & Ann Louise Ainsworth, and Bethel Methodist Church. Applicant: City of Frisco Case IA2002-18

TRACT 23: Involuntary annexation of 80.88 acres, more or less, located in the Collin County School Land Survey Abstract No. 147, Collin County, Texas, owned by Jos. Irion Worsham and Metten Real Estate LP. Applicant: City of Frisco Case IA2002-19

TRACT 24: Involuntary annexation of 87.47 acres, more or less, located in the L.J. Leeper Survey Abstract No. 528, Collin County, Texas, owned by I.T. Story. Applicant: City of Frisco Case IA2002-20

TRACT 25: Involuntary annexation of 33.33 acres, more or less, located in the MEP & PRR Co. Survey Abstract No. 919, Denton County, Texas, owned by F. & Christine Mirbagneri Fesharaki. Applicant: City of Frisco Case IA2002-21

TRACT 26: Involuntary annexation of 353.48 acres, more or less located in the BBB & CRR Survey Abstract No. 194, the R.P. Hardin Survey Abstract No. 611, the M. Hunt Survey Abstract No. 624, the David Lawhorn Survey Abstract No. 727, the J.W. Ragland Surveys Abstract Nos. 1092 and 1093, and the L.B. White Survey Abstract No. 1394, Denton County, Texas, owned by US Army Corps of Engineers. Applicant: City of Frisco Case IA2002-22 (City Secretary's Office)

Deputy Mayor Pro Tem West moved to recess into executive session under Section 551.071, private consultation with the City Attorney at 7:27 p.m. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0

Mayor Pro Tem Reveal moved to reconvene into open session at 7:38 p.m. Councilmember Minett seconded the motion. Motion carried. Vote: 6-0

Councilmember Maso moved to open the public hearing. Councilmember Nichols seconded the motion. Motion carried. Vote: 6-0

Kirk Williams, representing the property owner south of 380, requested to the keep the public hearing open after tonight's meeting.

Warren Blackman spoke against having his property annexed.

Diane Smotherman spoke against having her property annexed.

Dan Tolleson, representing the Mahard Family, spoke against the request of annexation of the Mahard property.

Mayor Pro Tem Reveal moved to close the public hearing and to call for an other public hearing at the next City Council meeting on April 2, 2002. Councilmember Maso seconded the motion. Motion carried. Vote: 6-0

**15. Public Hearing - Replat: Stonebriar Country Club Estates, Block B, Lots 19 & 20. Applicant(s): KPA Consulting. Two single-family lots on .8+ acre on the northeast corner of Harvard Lane and Hilton Head Lane. Zoned Planned Development-62-Single Family-4. Neighborhood #33. (Planning Dept.)**

Councilmember Maso moved to open the public hearing. Councilmember Minett seconded the motion. Motion carried. Vote: 6-0

There being no speakers, Councilmember Maso moved to close the public hearing. Councilmember Minett seconded the motion. Motion carried. Vote: 6-0

Mayor Pro Tem Reveal moved to approve the replat for Stonebriar Country Club

Estates, Block B, Lots 19 & 20. Councilmember Minett seconded the motion. Motion carried. Vote: 6-0

**16. Public Hearing and approval of an Ordinance abandoning a drainage and utility easement located in The Trails, Phase 5, Section A. (UA2002-01) (Engineering Division)**

Items #16 and #17 were heard at the same time.

Glenn Hughes, Engineering Department, recommended approval for both abandonment ordinances (items #16 and #17).

Councilmember Maso moved to open the public hearing. Councilmember Minett seconded the motion. Motion carried. Vote: 6-0

There being no speakers, Mayor Pro Tem Reveal moved to close the public hearing. Deputy Mayor Pro Tem West seconded the motion. Motion carried. Vote: 6-0

Councilmember Minett moved to adopt **Ordinance No. 02-03-44**. Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0

**17. Public Hearing and approval of an Ordinance abandoning a drainage and utility easement located in The Trails, Phase 5, Section A. (UA2002-02) (Engineering Division)**

See Item #16 on public hearing.

Mayor Pro Tem Reveal moved to adopt **Ordinance No. 02-03-45**. Deputy Mayor Pro Tem West seconded the motion. Motion carried. Vote: 6-0

**18. Approval of an appointment to fill a current Planning and Zoning Commission vacancy. (City Council Request)**

Mayor Pro Tem Reveal moved to nominate Geralynn Kaminsky. Councilmember Nichols seconded the motion. Councilmember Nichols moved to close the nomination. Councilmember Minett seconded the motion. Motion carried. Vote: 6-0

Mayor Pro Tem Reveal moved to appoint Ms. Kaminsky to fill the unexpired term on the Planning and Zoning Commission. Councilmember Nichols seconded the motion. Motion carried. Vote: 6-0

Councilmember Maso requested that a copy of the handbook policy on board appointments should be included in the packet.

**19. Approval of the release of Huffines property from moratorium. (Planning Dept.)**

Director of Planning John Lettellier recommended approval of the removal because the

agreement is in place.

Fred Brown spoke on behalf of Mr. Huffines.

Mayor Pro Tem Reveal moved to approve the release. Councilmember Nichols seconded the motion. No vote was taken.

Mayor Pro Tem Reveal moved to recess into closed session under Section 551.071, private consultation with City Attorney at 8:07 p.m. Deputy Mayor Pro Tem West seconded the motion. Motion carried. Vote: 6-0

Mayor Pro Tem Reveal moved to reconvene into open session at 8:12 p.m. Deputy Mayor Pro Tem West seconded the motion. Motion carried. Vote: 6-0

Mayor Pro Tem Reveal moved amend her first motion to approve the release based on staff recommendation and based on data, not on the agreement based in the letter to Director of Planning John Lettellier. Councilmember Nichols seconded the motion. Motion carried. Vote: 6-0

**20. Approval of an Amendment to an Agreement by and between Bert Fields, Jr. and the City of Frisco for the Construction of Legacy Drive & Stonebrook Parkway and related infrastructure improvements and adopt a Resolution authorizing the City Manager to sign the Agreement. (City Manager's Office)**

Councilmember Minett moved to **table** the amendment to the agreement between Bert Fields, Jr. and the City of Frisco. Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0

**21. Discussion and staff direction regarding Joint Meeting between the City Council and the Frisco Independent School Board. (City Council Request)**

Staff was directed to schedule a joint meeting between the City Council and the Frisco Independent School Board as soon as possible.

**22. Discussion and staff direction regarding Proposed Frisco Sports Council By-Laws and Proposed Facilities use Agreement form and any matters incident thereto. (Parks & Rec. Department)**

Director of Parks and Recreation Rick Wieland made a presentation regarding the proposed Frisco Sports Council by-laws and proposed facilities use agreement form. Mr. Wieland stated that the Sports Council will be meeting on March 20 and Mayor Pro Tem Reveal and Deputy Mayor Pro Tem West will be attending.

There was a discussion concerning the philosophically on whether the City Council or City be involved at all and what information is necessary if it affirmative.

**23. Discussion and staff direction regarding development of a Late Night Hours**

**Operation Ordinance. (City Council Request)**

There was a discussion concerning the development of an ordinance for late night hour's operation at a restaurant.

It was the consensus of the City Council to bring the ordinance back at the next City Council meeting.

**24. Discussion and staff direction on exterior building materials within the S.H. 121 Corridor. (Planning Department)**

Director of Planning John Lettellier made a brief presentation to the City Council concerning the exterior building materials within the SH 121 Corridor.

Staff was directed to contact Corey Lawrence about the changes.

**25. Discussion and staff direction on specific variances from the ordinances regulating beer and wine sales.**

There was a discussion about Mike Nowel's concerns on specific variances.

The discussion was to change the ordinance to make the off-site same as on-site in regards to day-care facilities on whether to do it across the board rather than the variance. Staff was directed to look into why the decision was made at the state level as to why City Council's are treated differently than rest.

**26. Discussion and staff direction regarding Screening Requirements for Open Storage Areas. (Planning Department)**

Director of Planning John Lettellier made a brief presentation to the City Council regarding the screening requirements for open storage areas.

Staff was directed to clarify "screen from view" language with exhibits, etc. and to make it as part of the open storage area ordinance.

**27. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:**

Councilmember Maso moved to recess into closed session for the following items at 9:19 p.m. Councilmember Minett seconded the motion. Motion carried. Vote: 6-0

- I. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- II. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
  - (a) south of US 380, north of FM 720, east of FM 423, and west of SH

289.

- III. Section 551.071. Consultation with the attorney for the City regarding:
- (a) legal aspects of changes to zoning and subdivision regulations;
  - (b) legal aspects of zoning control;
  - (c) legal aspects of a proposed development agreement (Brinkmann);
  - (d) legal aspects of issues associated with the burial of overhead utility lines;
  - (e) legal aspects of issues associated with amending the City Charter;
  - (f) Case No. 2002-30043-211 in the Denton County District Court in the case of Steve Nichols, etal. v. Kathleen A. Seei.
- IV. Section 551.074. Discussion with City Manager regarding staff performance.

Councilmember Zapata moved to reconvene into open session at 11:56 p.m. Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0

**28. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.**

- Develop a system to track the impact that our events have on the local hotel industry (Jason)
- Put on agenda replacement of two Board of Adjustment members (John Lettellier)
- Get the joint meeting between the Frisco Independent School District and City Council scheduled as soon as possible (Nan Parker)
- Prepare a draft ordinance on Late Night Hours Operation for the City Council to review (Police Department)
- Cover SH 121 Overlay District at June work session (John Lettellier)
- Gather information and draft an ordinance regarding an amendment to the beer and wine sales regulations regarding off-site sales near day care facilities (John Lettellier)
- Review screening requirements, and may include in the ordinance exhibits more clearly defining what "screened" means (John Lettellier)

**29. Discussion on Governance Monitoring of present City Council Meeting.**

Deputy Mayor Pro Tem West discussed the monitoring of the Council meeting.

**30. Adjourn.**

There being no further business, Mayor Pro Tem Reveal moved to adjourn the meeting at 12:02 a.m. Deputy Mayor Pro Tem West seconded the motion. Motion carried. Vote: 6-0

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Kathleen A. Seei, Mayor

ATTEST:

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Nan Parker, City Secretary